

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES LEE EDKINS,

Petitioner,

Hon. Janet T. Neff

v.

Case No. 1:11-cv-01263

UNITED STATES OF AMERICA,

Defendant.

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REPORT AND RECOMMENDATION

On March 14, 2013, the Clerk mailed a copy of the March 13, 2013 Corrected Order to File Answer or Other Pleading (Dkt. 3) to Petitioner. The mailing was not deliverable because Petitioner has not provided the Court with an updated address (Dkt. 5). On May 8, 2013, the Clerk mailed a copy of the May 8, 2013 Notice to Attorney Donald A. Davis Regarding Recent Filing (Dkt. 7) to Petitioner. The mailing was not deliverable because Petitioner has not provided the Court with an updated address (Dkt. 8).

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Local Rule 41.1 states in pertinent part, "Failure of a plaintiff to keep

the Court apprised of a current address shall be grounds for dismissal for want of prosecution.”

Timely objections to this Report and Recommendation shall be considered Petitioner’s opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: July 17, 2013

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court’s order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).